

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JUSTIN RIDDLE,

Plaintiff,

v.

OMAHA PUBLIC SCHOOLS,

Defendant.

Case No. 8:23-cv-455

(District Court of Douglas County,
Nebraska, Case No. CI 23-7198)

NOTICE OF REMOVAL

To: Justin Riddle, Plaintiff, and the Clerk of the United States District Court for the District of Nebraska:

Defendant, Omaha Public Schools ("OPS"), gives notice of the removal of the above-referenced action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska. Removal is based upon federal question jurisdiction, pursuant to 28 U.S.C. §§1331 and 1441. In support of this Notice, Defendant states as follows:

1. This action is being removed to Federal Court based upon federal question jurisdiction.

2. Justin Riddle ("Riddle"), filed the above-entitled civil action in the District Court of Douglas County, Nebraska, on September 8, 2023. ("State Court Action"). Defendant was first served with a copy of the Complaint on September 19, 2023. Accordingly, Defendant files this timely Notice of Removal pursuant to 28 U.S.C. § 1446, within 30 days of service of the Complaint.

3. The United States District Court for the District of Nebraska has original jurisdiction over this matter under 28 U.S.C. § 1331 and the action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

4. This court has federal question jurisdiction over the action because Plaintiff's Petition seeks relief under 42 U.S.C. § 1983, for allegation violations of his rights under the First Amendment and Second Amendment to the United States Constitution.

5. Attached as Exhibit "A" and incorporated by reference are true and correct copies of all pleadings and papers filed in this action in the District Court of Douglas County, Nebraska. Defendant knows of no other pleadings or papers that have been served or filed with the District Court of Douglas County, Nebraska in this matter.

6. Attached as Exhibit "B" is a true and correct copy of the Notice of Filing of Notice of Removal directed to the District Court of Douglas County, Nebraska, being served upon Plaintiff contemporaneously with the filing of this Notice and being filed with the Clerk of the District Court of Douglas County, Nebraska on this date.

7. Defendant expressly reserves all defenses to Plaintiff's claims, including, but not limited to, all defenses based in law, equity, statute, constitution, jurisdiction, or immunity, any other defense or avoidance, and does not waive any defense by this removal.

WHEREFORE, in accordance with the statutory authority set forth above, Defendant Omaha Public Schools hereby removes this action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska.

REQUEST FOR PLACE OF TRIAL

Omaha Public Schools respectfully requests that the trial of this action be held in Omaha, Nebraska.

Dated this 17th day of October, 2023.

OMAHA PUBLIC SCHOOLS Defendant,

By: /s/Steven D. Davidson

David J. Kramer (#19327)

Steven D. Davidson (#18684)

of BAIRD HOLM LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2023, a true and correct copy of the foregoing was sent by United States mail, first-class postage prepaid, to the following:

Justin Riddle
16422 Patrick Ave.
Omaha, NE 68116

/s/ Steven D. Davidson